Restorative Justice in Yukon

Bringing justice closer to home...a healing process for victims, offenders and communities
An opportunity for change

COMMUNITY CONSULTATION REPORT

OCTOBER 1999

Yukon
Justice

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INTRODUCTION

The Yukon government has proposed a Restorative Justice model as a way to address the public's concerns with the justice system. Restorative Justice is an approach that encourages community-based partnerships that build safer communities. The Yukon government believes a Restorative Justice approach will encourage community involvement in the justice system resulting in greater public confidence, reduced crime, and healthier communities.

The Minister of Justice, the Honourable Lois Moorcroft, and the Commanding Officer of the RCMP, Chief Superintendent John Spice, conducted a series of public meetings throughout the Yukon during May and June of 1999 to introduce and explain Restorative Justice. They listened to the concerns of Yukoners and they heard each community's views on capacity and desire to offer Restorative Justice projects.

Unfortunately the steady menu of crime and violence stories in the movies and television, combined with media sensational coverage of extreme criminal cases, has focused the public's attention on crime and violence. The mainstream justice system is viewed by many as a complex system involving lawyers, judges, and other justice officials – but not the public. These factors are believed to have contributed to the low levels of public confidence in the justice system. The issue of public confidence has been cause for concern in many of the jurisdictions in Canada, including the Yukon.

This report provides an overview of the consultation process and the discussions held during the community meetings. The report focuses on the common questions and concerns raised with respect to Restorative Justice and the delivery of existing justice services. Issues unrelated to Restorative Justice raised during the various meetings have not been included in this report.

THE PUBLIC CONSULTATION PROCESS

Phase 1 In December 1998 the Minister of Justice, the Honorable Lois Moorcroft, tabled a draft discussion paper on Restorative Justice in the Yukon as part of the government's goal of fostering safe and healthy communities. To focus the consultation process, the draft *Restorative Justice in Yukon* paper and information pamphlets highlighted a number of issues and questions dealing with correctional reform, crime prevention, policing policy, victim services and community and aboriginal justice projects.

Phase 2 In May and June of 1999, the Minister of Justice, the Commanding Officer of the RCMP and members of their staff visited most Yukon communities to hear what Yukon people had to say about future direction for justice in the territory. In almost every community Yukoners were extremely helpful in providing their views. The Minister and Commanding Officer are grateful to all those who participated.

Phase 3 During the months of July and August the comments heard at the meetings were included in a report on the public consultations. Copies of the public consultation report will be sent to meeting participants, affected organizations and be available to the general public. Targeted consultations concerning the issues raised during the community tours will occur in the fall.

Phase 4 Recommendations for next steps will be presented for government consideration and a Restorative Justice Strategy will be developed. Further discussions will take place with interested communities to establish implementation plans to put in place appropriate Restorative Justice measures. Monitoring processes will be developed to evaluate the actions taken.

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QUESTIONS ASKED ABOUT RESTORATIVE JUSTICE

1. **What is Restorative Justice?**

- It is a *different way of thinking* about crime and our response to it.
- It focuses on the *harm caused by crime*: repairing the harm done to victims and reducing future harm by preventing crime.
- It requires offenders to take *responsibility* for their actions and for the harm they have caused.
- It seeks *recognition* of the impact on victims and establishes *consequences* for offenders.
- It *assists victims and offenders* to prepare to resume their lives again within their community.

Restorative Justice is delivered through alternative projects, in partnership with victims, communities, offenders, and all governments. It is meant to enhance mainstream justice methods by diverting low risk offenders into community-based projects where they must take responsibility for their actions by facing those whom they have harmed. By dealing with this behaviour more directly, and by involving families, communities and victims, offenders will learn true societal values and not to re-offend.

These community-based methods allow the mainstream criminal justice system to focus its resources (court and jails) on high-risk, violent offenders who pose a substantial risk to public safety – while lower risk individuals are managed in the community.

The principles of Restorative Justice have been derived from indigenous cultures, and are being used throughout Canada and in many jurisdictions including England, Australia, New Zealand and the United States. Many First Nations traditionally applied, and in some cases, continue to apply a Restorative Justice philosophy in dealing with community problems.

Making use of Restorative Justice approaches can lead to a more representative, transparent, open and accountable justice system. Restorative justice looks at the effect criminal behavior has had on the offender, the victim and the community, and

responds to each of their needs. In doing so, Restorative Justice processes involve these parties in repairing the harm caused by crime, while seeking new ways in which to prevent further criminal behavior from occurring. It has been demonstrated that these types of community-based justice services help reduce crime and promote healing. The new *Territorial Court Act* will assist these processes by formalizing the role of Community Justice Committees.

2. **How is Restorative Justice different from what we do now?**

- It *views the overall effect of criminal acts*: rather than defining crime only as lawbreaking, it recognizes that offenders harm victims, communities and even themselves.
- It *involves more parties*: rather than giving key roles only to government and the offender, it includes victims and communities as well.
- It *measures success differently*: rather than measuring how much punishment has been inflicted, it measures how much harm has been repaired or prevented.
- It recognizes the importance of *community involvement and initiative* in responding to and reducing crime, rather than leaving the problem of crime to the government alone.

3. **How does Restorative Justice respond to crime?**

- It emphasizes processes that assist *victim recovery.*
- It requires that the offender accept *responsibility for his/her actions* and agree to make amends to their victims. Offenders who do not accept responsibility will proceed through the mainstream justice system.
- It establishes processes through which parties are able to *discover the truth* about what happened and the harms that resulted, to *identify the injustices* involved and to *agree on future actions* to address those harms.
- It establishes evaluation processes through which the community and government may consider whether *new strategies to prevent crime* are needed.

Restorative Justice seeks to balance the concerns of the victim and the community and to prepare for the offender re-entering society. It seeks to assist the recovery of the victim and to enable all parties with a stake in the justice process to fully participate in it.

4. **Would Offenders who have committed 'serious' offences be appropriate for a Restorative Justice project?**

Generally speaking, yes, provided the offender has the right attitude and the victim and community are willing and able to participate. However, some types of serious offences and certain types of offenders such as sexual predators or pedophiles would be excluded. Statistics from jurisdictions that have implemented Restorative Justice methods report that success rates[1] for Restorative Justice projects are better than the mainstream justice system.

5. **At what point in the formal system can Restorative Justice projects become involved?**

The following table illustrates the possible entry points for Restorative Justice projects.

Formal system	**Restorative Justice project**
Crime prevention	*Prevention* dealing with issues before they escalate and become offences.
Incident	
Police investigation	*Pre-charge diversion* dealing with issues before police lay a charge.
Police lay charge	
Crown decides to prosecute	*Post-charge diversion* dealing with issues after police have laid a charge.
Trial, finding of guilt	
Sentencing	*Sentencing* dealing with issues, offering sentencing recommendations.
Incarceration	
Release	*Reintegration* preparing inmates to re-enter the community upon release from a correctional facility.

6. **Don't we already have alternative measures and restorative justice projects?**

There are several alternative measures offered in the Yukon that partially adhere to the principles of Restorative Justice. These include: diversion projects, alternative dispute resolution and mediation, victim/offender reconciliation, community work and others.

[1] Victim satisfaction is higher and recidivism rates are lower.

In addition the Yukon government has funded community and aboriginal justice projects offering Restorative Justice approaches such as healing circles, circle sentencing, healing camps, community/family group conferencing, etc. since 1992. [For more information see: info bulletin #6 on Community and Aboriginal Justice Projects.]

COMMUNITY COMMENTS ABOUT RESTORATIVE JUSTICE

This section contains a synopsis of what community members told the Minister and Commanding Officer of the RCMP. A total of fifteen communities were visited and the number of times the particular issue was raised is reflected in this section. Where appropriate answers to questions raised and additional background information are noted in italics.

The section focuses on the common questions and concerns raised with respect to Restorative Justice and the delivery of existing justice services. Issues unrelated to Restorative Justice raised during the various meetings have not been included in this report. A detailed summary of comments raised during meetings in the communities is listed in Appendix A.

1. Restorative Justice Philosophy

In fifteen communities there was agreement that the mainstream justice system would be improved if it adopted a Restorative Justice philosophy. Moreover, twelve communities expressed an immediate interest in providing restorative justice services.

2. Funding

Fourteen communities stated adequate funding is crucial to operating and maintaining a Restorative Justice project.

One community stressed that the process of tracking down potential funding sources, identifying community needs and writing proposals for pilot projects is often confusing and frustrating[2]. Two communities were concerned that community justice

[2] According to this community the usual scenario is as follows: A community identifies a need. A search for a funding source is undertaken. Proposals are submitted to government to setup and operate a project or a project. Funding is acquired for a limited time. Staff are hired and trained and the project begins to operate. About three-quarters into the term of this project, staff must begin the process of searching for further funding, so they begin drafting proposals in the hopes of keeping the project or project alive. If lucky, the project secures funding and continues operations; if not, the project or project ceases operations and shuts down. The trained staff are laid off and the clients and/or community, now reliant upon the

projects might be vulnerable to government control–i.e. the funder could determine how a Restorative Justice project would operate.

Four communities suggested any cost savings to the government resulting from a community justice project should be redirected back to the community justice project.

3. **Training**

Eight communities stressed the success of a project depends upon the competency of its staff. Possible areas for training included: mediation, conflict management and resolution, negotiating, and proposal writing.

The government offers training in the mainstream justice system to help community justice projects staff become better able to guide their clients through the system and/or suggest alternatives to the mainstream system. Training could be offered again to project staff in need of it.

4. **Follow-up support**

Nine communities noted that having enough volunteers is an area of concern. Many of the smaller communities stated that they have a limited number of healthy and qualified volunteers. Often these individuals are in great demand and are involved with other local projects and/or they have jobs. Consequently, the danger of volunteer 'burn-out' is very high. One community suggested increasing the level of partnerships between government staff and community project workers by paying community staff for work usually done by government staff or increasing the use of secondments.

The government agrees that there is room for improvement and feels confident it can increase the interaction between government staff and community project workers.

5. **Information/communication network**

Seven communities indicated that there are some Restorative Justice type projects already in existence and it would be advantageous if they could network with each other. The exchange of information would save time and energy by promoting proven ideas and methods. A 'best practices' and a 'worst practices' web-site, and/or other communication media were suggested by two communities.

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project, suffer its loss. Time passes, and the process repeats itself. With each cycle, subsequent projects have progressively more difficulty in hiring trained staff and earning the trust of associated agencies and the community because everyone anticipates the project will inevitably cease operations because the funding is inconsistent.

Some aspects of this network are already in place. 'Community Justice Links' is a newsletter published by the Haines Junction Community Justice Committee to provide information about community justice issues. There is a Yukon Community Justice web site available at www.comjustice.yk.net. This site was created through the efforts of the YKnet, YukonWeb, Crime Prevention Yukon, Yukon Public Legal Education Association, and the Haines Junction Community Justice Committee. YTG maintains an internet web-site on Restorative Justice which can be accessed at: www.gov.yk.ca/depts/justice/restorative.

6. **Relationship to First Nation Administration of Justice**

Five communities stated there was a lot of confusion between the Restorative Justice initiative and First Nation administration of justice, and they wanted to know how do they all fit together?

Restorative Justice is a model that allows for greater community involvement in the mainstream justice system. Moreover, Restorative Justice will serve to link various aspects of the mainstream justice system (crime prevention, policing, courts and victim services, and corrections). Self government negotiations involving the administration of justice by First Nations are a separate process.

7. **Statistics**

Two communities suggested that Yukon Justice publicize statistics that compare the rates of success between Restorative Justice projects compared to the mainstream justice system.

8. **Crime Prevention**

- **Alcohol abuse**

Six communities indicated that alcohol is either the cause or catalyst for most crimes. Many people said they know someone who is a 'great person' while sober, but acts 'crazy' or do 'stupid things' that get them into trouble with the law while intoxicated. It was felt by many that alcohol abuse should be treated as an illness, and that substance abuse treatment is a better way to address the 'root cause of crime'. Some community members noted that alcohol abuse could be a symptom of deeper psychological or emotional issues resulting from sexual abuse, residential school syndrome, or some other traumatic experience. Some communities felt they would benefit greatly from having local alcohol and/or drug treatment centers [i.e. many First Nations have traditional healing camps they would like to seen utilized to a greater degree].

Six communities noted under-age drinking and drug abuse is a concern with youth in their community.

Four communities raised the issue of FAE/S. Many felt that victims of FAE/S 'don't know right from wrong' and wanted to know how Restorative Justice would deal with them differently from the mainstream justice system.

Two communities were especially concerned with problems associated with bootlegging. They were not only concerned with the alcohol abuse itself (increased violence, spousal assault, impaired driving, etc.), but also by the crimes committed to obtain money to purchase the alcohol. These communities were also very concerned by threats of harm from bootleggers against those who would like to report them to the police [or by the angry 'customers' of bootleggers who were arrested and put out of business].

Two other communities, concerned about 'over-service' to intoxicated patrons, are considering initiating a liquor prohibition.

One community noted they have a unique, but disturbing, problem. Prohibition of alcohol was instituted in the 1980's as a way of addressing the alcohol abuse problem. Unfortunately, instead of curing the 'alcohol problem' a new one was created: alcohol abusers now run the risk of being labeled as a 'criminal'.

- **Youth Recreation Projects**

Three communities stressed the significant role recreation plays in crime prevention, especially when it concerns youth crime. It came as no surprise to these community members that crimes committed by youth dropped significantly when their community instituted a recreation project.

- **Social Development**

Eight communities advocated the idea of offering projects that address/prevent many social problems that can lead to criminal behavior.

Healthy family, teen mom, parenting, Youth Leadership, and the various drug and alcohol projects offered in schools are some of the examples of the social projects offered by government.

9. Policing

While most of the communities had positive comments about the RCMP, a few suggestions for improvement were noted. Two communities felt that the RCMP need to work on developing better public relations. One community suggested the RCMP could institute a 'ride-along' project for youth or select and train a local person as a community constable, or officers could become advisors on community justice projects.

Two other communities, concerned about low police staffing levels, believed that the RCMP need to hire more members, and/or open a detachment in their community. They suggested the RCMP could augment the full-time detachment staff by hiring more summer students or Auxiliary Officers to perform some of the minor duties of a full-time officer.

Two communities were concerned that traffic laws are not being consistently being enforced i.e. some people get charged with impaired driving, while others merely receive a warning/road-side suspension. They advocated uniform enforcement of traffic laws.

10. Victim Services

Seven communities perceive that the services provided to communities should be increased. Among the suggestions were: the possibility of opening more satellite offices, opening a group/safe home, addressing sexual abuse before it becomes a problem, and increasing communication to victims regarding the outcome of trials.

11. Court Services

Eleven communities advocated for changes in sentencing, i.e. more alternatives to incarceration, more emphasis on addressing the 'root cause' of the offender's behavior. Eight communities specifically suggested more diversion projects should be offered, especially for first-time, young offenders, and for those repeat offenders who commit 'less serious' offences. Three communities suggested stiffer penalties for those who commit 'serious' crimes. They generally believed that Judges and Justices of the Peace are too lenient, especially with youth.

Other sentencing issues included: community service hours are often not related to the crime and there are few places in small communities that offenders, especially youth, can go to perform their community service hours.

Three communities raised the issue of the long periods between circuit court visits. They felt that the mainstream system is too slow and that the court's punishment is

'too little, too late'. One community stated that circuit court is normally held once every three months. If the circuit is cancelled the offender(s), victim(s), etc. must wait another three months for the court to return. It was not unusual to have a matter on the books for over a year before a sentence was handed down. 'Justice delayed is justice denied', was the most common quote from Yukoners who raised this concern. These communities suggested that Justices of the Peace should receive more training so they could be utilized more often, thus the community would not have to wait for a Judge to come to town.

12. **Probation Services**

Many Yukon people perceive that the delivery of service to communities by adult probation and youth services could be increased.

- **Adult**

The most common issue raised involved offender supervision. Six communities noted that the level of adult offender supervision should be increased. Some of these communities said that they only see the probation officer on the day circuit court is to be held. Three other communities suggested they could support the probation officer by either offering local treatment projects, or could supervise offenders.

- **Youth**

There were many specific concerns about youth on probation. Two communities noted they do not see the social worker supervising youth on probation. One community believes young offenders are not completing their community service hours. Some communities were concerned about very young kids under 12. A common question was – what can the justice system do with youths under 12?

13. **Correctional Reform**

- **Role of jail**

Three communities felt that adult offenders require stiffer punishment. As one community put it, "jails don't work because they are more like 'motels' than jail", and "prisoners have it too easy". Similarly, two other communities believe that correctional institutions are merely warehouses, that institutions use and rely on medications to keep inmates docile.

- **While in jail**

  Five communities felt offenders need better programs, activities, and counseling while incarcerated so that they will be better prepared to reintegrate into society upon release.

- **Upon release**

  Five communities expressed the belief that a role for correctional institutions should include pre-release and post-release projects. They suggested the jail, or YARC[3], could offer inmates after care programs to help them re-enter the community.

NEXT STEPS

In addition to identifying concerns involving implementing local Restorative Justice projects, the public also identified issues and concerns with respect to crime prevention, policing, victim services, court services, and corrections.

Many of those consulted agree that the Yukon needs new approaches to move the mainstream justice system from one that advocates punishment to one which is based on restoring balance and harmony to the individuals and the community affected by crime.

The process of developing and implementing Restorative Justice initiatives will challenge the Yukon government to consider conceptual and philosophical issues such as balancing the needs of victims, communities, and offenders, and the relationship between government and community.

Community members also recognized that there will always be high-risk, violent persons who will remain unable to control their violence and require separation from the community. Thus a key part of a comprehensive Restorative Justice initiative in Yukon is the need for correctional reform. Any movement towards greater community-based projects will still require secure custody requirements.

[3] It was suggested that there is need for more pre-release planning and public relations by the Yukon Adult Resource Center [YARC]. It was suggested that the YARC could explain the role of a half-way house and the process for admitting and supervising offenders.

A recent review of Yukon adult correctional centers and the poor condition of the Whitehorse Correctional Center shows the strong need for change.

The Minister of Justice and the Commanding Officer of the RCMP recognize that the success of Restorative Justice initiatives in Yukon depends on co-operating with other governments and communities to provide coordinated justice services that address the needs of victims, communities and offenders.

Targeted consultations with affected and interested organizations, following-up on the issues raised during the community meetings, will begin in the fall of 1999 and recommendations for next steps will be developed.

Additional comments on the draft Restorative Justice Strategy in the Yukon are welcome. The final deadline for comments is **November 11, 1999.**

For more information contact:

Yukon Justice, J-1
Box 2703, Whitehorse, Yukon Y1A 2C6
Phone: 867-667-3033 or
1-800-661-0408 extension 3033
Fax: 867-393-6272
Email: restorative.justice@gov.yk.ca
www.gov.yk.ca/depts/justice/restorative

Appendix A - Community Comments

BEAVER CREEK- WHITE RIVER FIRST NATION

Topics	Community Comments	Community Suggestions
Restorative Justice	Isn't Restorative Justice the same as Circle sentencing? Is it just for Aboriginal people?	Provide information to clarify these terms.
	FAS/E offenders.	What can be done about FAE/FAS individuals who commit crimes? Often they don't know right from wrong.
	Accountability.	Tighter regulations and guidelines for circle sentencing and ways to hold members of the offender's support group accountable.
	Accessibility.	A Community justice forum is one option.
	Training.	More local expertise is necessary to initiate Restorative Justice options locally. Provide mediation and negotiating training for restorative justice committee members.
	Lack of respect/knowledge.	The justice system needs to listen – to traditional justice, traditional healing – to understand why First Nation people re-offend. Elders Council could be involved.
Crime Prevention	Alcohol problems and youth crime are the main crime concerns.	Deterrents to youth crime, e.g. field trips, healthy recreational alternatives-to prevent under age drinking.
Policing	Unhealthy community attitude towards police.	RCMP must go beyond enforcement, towards victim-offender reconciliation.
	Partnerships.	Better public relations between police and community, ie 'ride-alongs.'
	Insufficient police presence.	Increase after-hours policing; hire a RCMP summer student or Auxiliary RCMP, institute a COPS volunteer program.
	Inconsistent enforcement of laws.	Heavier, consistent enforcement for drunk driving. Clarify that laws apply to all; dispel the perception of a double-standard re: drunk driving.
Victim Services		See policing item above.
Court Services	Local people should see justice being done.	Cases begun in community should not be moved to Whitehorse for conclusion, sentencing, etc.
	Sentence reform is required.	Address inadequate sentences, slow process, delays in circuit court.
	Sentencing.	Spread out the community service work, not just at the Band office.
	Lack of awareness.	Provide better communication re: sentencing decisions.
	Listen to community.	Hold informal meeting with the Chief Judge to hear the community's concerns.
	Process too slow.	Increase Justice of the Peace powers to speed up the process and handle drunk driving charges.
Correctional Reform	"Jails are too cushy."	Improve WCC programming. Restore WCC work camps. Improve skills and trades training in WCC. Provide mandatory counseling and education at WCC.
Probation	Effective offender supervision is needed.	Hire a half-time Adult Probation Officer in Beaver Creek.
Other	Why have separate meetings with First Nation and public?	Conduct Joint meetings with the Minister instead of separate meetings from now on.

BURWASH LANDING - KLUANE FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding is an issue.	Provide assistance with transportation to and from the healing camp.
	Capacity.	Set up a 4-person justice committee. Provide training for restorative justice committee members: conflict resolution and mediation.
	Community want to develop models for adult-youth diversion and victim services. Which model is best? What happens if an offender fails to obey orders of the justice committee? "Restorative Justice is no different from the traditional native way where community pressure alone made sure you didn't lie or steal-unwritten laws. Jails never worked."	Establish an interdepartmental communication link with Education, Health & Social Services, Justice and the Elders' Council to discuss options.
Crime Prevention	Alcohol/drug related problems are main issues.	Some liquor outlets 'over-sell' to some intoxicated individuals. How can the community stop them?
Policing	Insufficient police presence.	Burwash wants its own RCMP detachment. Increased policing to provide night supervision. RCMP needs a room or office in Burwash. Hire a Community Constable.
Victim Services	No comments.	
Court Services	Sentencing.	Provide more alternatives to incarceration.
Correctional Reform	No comments.	
Probation	More supervision required.	Chief and Council want to get tougher and involve more people to help monitor probationers.

CARCROSS - SOUTHERN LAKES

Topic	Community Comments	Community Suggestions
Restorative Justice	Present [mainstream] system isn't working.	Carcross wants to build its own justice system locally, e.g. court system, court building, judicial council.
	Southern Lakes Justice Committee is currently a 'society' and this limits them.	Change the *Society's Act* to allow for committee growth beyond its ordinances. Provide funding for a pilot project for local justice system.
	Staffing/workload.	Increase hours for part-time worker to organize and coordinate the justice committee.
	Cost savings/volunteer burn-out.	The cost savings from restorative justice should be redirected to community justice so they can pay an honorarium for justice committee member. Justice committee is often seen as surrogate Probation Officers.
	Funding-power imbalance.	Have a separate meeting with Southern Lakes Justice Committee to discuss ways to do away with the 'here's the money-show us the results' and the 'pre-ordained justice template' conditions.
	Clarify the various levels of justice, justice negotiations and restorative justice projects.	Restore the power imbalance between justice partners. Harmonize laws so that all concerns and values are honored (First Nation, Yukon and federal), understandable and respected by the public.
	Negative media reporting of circle sentencing, Restorative Justice, etc. creates worry.	Public education is needed to refresh the term "circle sentencing", starting with basic values of self-respect, love, understanding and respect between youth & adults.
Crime Prevention	Crime prevention via social development is crucial.	Early intervention (healthy family program & teen mum program) is effective crime prevention.
	Youth concerns.	Schools need to teach about drugs and alcohol. Carcross needs safe houses for youth.
	Several complaints concerning one specific young offender case.	Youth need positive role models who demonstrate respect for self and others, e.g. "boot camp" for kids.
Policing	Public relations.	Praised police for getting involved in community activities
Victim Services	Sexual abuse.	Take more efforts to address sexual abuse.
Court Services	Sentencing.	Consider more ways to heal people and reintegrate them back into the community rather than incarceration.
	Justices of the Peace.	Make more use of local Justices of the Peace.
Correctional Reform	Follow-up re: offenders.	Continue the after-care that follows up with offenders, helping them reintegrate and readjust.
Probation	No comments.	
Other	Where is the expertise in First Nation and justice issues? How did Salvation Army get involved? Language can be quite powerful.	The Yukon Adult Resource Centre's policies need to be investigated.
	Cultural camp funding-only funded once.	Move beyond "healing" and talk more about *wellness* as a proactive approach.
		People in the community should be able to solve their own problems, but be given the support to do so.
		Create a Family Act that promotes communication skills.
		Carcross needs to define 'community' for itself.

CARMACKS - LITTLE SALMON FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	The cost savings from restorative justice should be redirected to community justice to build capacity within the local staff through training, etc.
	Fairness/accountability.	Restorative Justice should level the power imbalance so that victims are heard and not re-victimized.
	Public awareness of restorative justice is low.	Traditional laws must be promoted and valued.
	Accessibility.	Could the village and First Nation have two separate restorative justice forums.
Crime Prevention	The community must identify their own local problems and speak out against them. (drugs, bootlegging)	Get at the root causes of crime and talk about them openly.
	Alcohol is catalyst for crime.	Develop educational strategies to help break the generational cycle of alcoholism.
	Families need help to instill values and develop parenting skills.	With RCMP, develop a strategy for crime prevention through social development.
Policing	Tavern operators are asked to enforce probation conditions.	Clarify that it is the police, and not tavern's, responsibility to enforce abstinence conditions on Probation Orders--taverns can be asked to help, but shouldn't be ordered to enforce conditions.
		Improve communication between RCMP and local businesses.
	First Nations shouldn't have so much power over RCMP placements.	RCMP should re-examine consultation practice and include local business in consultation process.
Victim Services	Lack of local service, clients must travel to Whitehorse.	Family Violence Prevention Unit courses and services should come to Carmacks.
	Who informs victims of status of case? [police]	Increase services to victims, e.g. communication of the outcome, follow-up with restitution.
Court Services	Sentence reform (inadequate sentences).	Stiffer penalties for bootlegging, e.g. at least a minimum fine.
	Re-examine the process and method of payment for restitution.	Fish/meat should be accepted in lieu of currency as family support payments.
	Communication.	Judges should share information with each other and confer with each other on common cases.
Correctional Reform	Over representation of First Nations people in WCC.	Work to avoid incarceration, if at all possible
Probation	It's important to demonstrate community forgiveness.	Offenders need help reintegrating into the community.
Other	Separate meetings between First Nation and public meeting seen as alienating.	There is a division between First Nation and non First Nation communities that should be healed. The Minister should have joint meetings with the village and First Nation from now on.

DAWSON- TR'ONDEK HWECHE'IN FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	Reinvest saved justice funding into community justice projects. Ensure adequate resources will be provided to community so that short and long term goals can be attained.
	Accessibility.	Provide Family Group Conferencing for youth offenders.
	Accountability.	Ensure that sentences at Family Group Conferencing are enforced--offenders must be held accountable.
Crime Prevention	Crime is sometimes the result of poverty.	Provide more government financial assistance to families in need. Institute a family safety program, like the one taught to grade 4's, use this in the Restorative Justice project.
Policing	No comments.	
Victim Services	Low level of service.	Provide increased services to victims that are more accessible and visible.
Court Services	Sentence reform (inadequate sentences, slow process). Judges are too soft on youth offenders, a core group is responsible for most crimes--make an example of them and others will be deterred.	Justice system should contain provision that forces offenders to pay restitution or face possible incarceration. Make graduated sentences e.g. soft sentence for first time youth and adult offenders; stiffer penalties for repeat youth and adult offenders.
		Increase the use of community sentencing, e.g. courts should order youth offenders to attend Remembrance Day [and other] ceremonies.
	Community requires greater role in justice system.	Remove the ban on publication of youth offender's name so victims/potential victims know who to be wary of. Curfews should be ordered and enforced by RCMP, but the Court must know that curfews won't work in dysfunctional homes. Court ordered treatment for an offender should include offender's family as well because offender came from a family dynamic that might have contributed to problem.
Correctional Reform	No comments.	
Probation	Youth Probation.	Ensure that youth are completing their community hours. Make this the responsibility of a paid position--volunteers cannot be expected to be able to monitor youth.
Other	Families and youth offenders must take greater responsibility for actions	Govt. officials should speak at schools on the importance of responsibility.

FARO

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	If Whitehorse "devolves" justice services to the communities, Faro will need services & resources to support itself, e.g. funding for a coordinator position.
	Public attitude.	Change public perception that restorative justice is "soft on crime".
	Need help with delinquent pre-teens (under 12 yrs) (vandalism & mischief) – alternative measures for youth under 12 years.	Provide skills training for family group conferencing. Offer more training, conferences & networking opportunities with other communities on restorative justice initiatives.
	When does a crime become 'too serious' for community to address? Will Restorative Justice require amendments to legislation?	Provide information on this topic.
	Didn't learn of recent justice conference in Whitehorse until too late, how can Faro be kept informed? May opt out of restorative justice for now until its infrastructure is more firmly in place, e.g. population, volunteerism, community health & vitality.	Network with other Restorative Justice projects.
Crime Prevention	Community needs to be more proactive--don't wait until a crime has been committed before acting.	Focus Community Mobilization Program on dealing with high-risk families. Offer programs for youth peer mediation.
Policing		Police need to know about the provisions of the *Children's Act*, which can only be invoked by RCMP. Police need further training regarding the function & role of Alternative Measures committee.
Victim Services	No comments.	
Court Services	Sentencing reform.	Divert offenders to local courses on life skills, anger management and substance abuse – more than just community hours.
Correctional Reform	WCC programming should address the root causes of criminal behavior.	
	Alternatives to incarceration.	Renew Electronic Monitoring option (EMS).
Probation	Few visits from Adult PO.	Make visits from Probation Officer more frequent.
Other	Community lacks the support of extended family.	Provide more support for local Social Services staff, especially if a new client group is added to their responsibilities (youth under 12).

HAINES JUNCTION - CHAMPAGNE AISHIHIK FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	The cost savings from restorative justice should be redirected to community justice. Good ideas need money to implement: "volunteerism isn't good enough."
	The justice committee wants to take a higher profile and educate the public about restorative justice.	Clarify to the public that restorative justice is not just a "native" system and they have a role to play.
	Haines Junction/ Champagne can be a model restorative justice community for other communities.	Ensure there is good publicity on restorative justice success stories.
	Capacity: there is a lack of trained staff to implement and run Restorative Justice programs.	Provide money to train and prepare youth for justice positions. In the meanwhile set up more secondments from YTG to fill the void of qualified staff. Committee members should receive training in mediation and circles.
	Justice programs and the Aishihik Lake Treatment Centre should support each other.	Develop better interagency communications and more local services.
Crime Prevention	CA youth council should become more active.	Provide peer mediation and problem-solving workshops for youth. Establish a healthy community recreation program and funding for a rec. coordinator.
Policing	Insufficient coverage.	Explore better ways of policing the north highway, e.g. another RCMP member. Establish a Community Constable program.
Victim Services	Low level of service.	
Court Services		Court circuits should occur more frequently. Crown prosecutors and Legal Aid lawyers should spend more time in HJ. Provide funding to continue Justice of the Peace and mediation training.
Correctional Reform	Inmate programs should deal with issues, so inmates won't come back angrier than when they left.	Undertake WCC program reform and provide a remedy for overcrowding.
Probation	Infrequent visits from Probation Officer.	Have a local Probation Officer in Haines Junction.
		Provide ongoing support for offenders in the community, e.g. local monitoring or enforcement. Clarify how communities can access youth programs under the Youth Strategy.
Other		Resurrect the 1970 committee on "Yukon Indians and the Law".
	Increase local counseling services.	Establish a local healing/ treatment centre.
		The village and First Nation should work together and develop an action plan.

MARSH LAKE

Topic	Community Comments	Community Suggestions
Restorative Justice	Concern about the perception that there are two levels of justice, one for Aboriginal and one for non-Aboriginal.	Provide more information about restorative justice -- What is it, how does it work, why should they embrace it?
	How would a restorative justice project operate? What types of offences/offenders would qualify? What are the powers of a community justice program?	Community would like to see information regarding the rates of success for mainstream justice vs. Restorative Justice.
Crime Prevention	Residents were happy to learn that the area has very low incidences of crime.	
Policing	Community needs auxiliary police officers, or a public safety officer, or perhaps a RCMP satellite detachment office--whatever it takes to improve police coverage in local area.	
	Would the residents have a say in the selection of applicants for a community constable program?	
Victim Services	No comments.	
Court Services	No comments.	
Correctional Reform	Residents heard that YTG is spending $3.2 Million on a study for the new jail and were upset, why another study?	
		Clarify the policies of the Yukon Adult Residential Centre-- How are clients selected, what types of crimes have they committed?
Probation	No comments.	

MAYO - NACHO NYAK DUN FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	How would Restorative Justice be implemented, what type of cases would be appropriate, who would decide?	Provide more information.
	Funding.	Provide funding, manpower and time for community justice also honoraria for committee members. Ensure ongoing support to maintain continuity of restorative justice programs.
	How does Restorative Justice affect Land Claims and Self-Government negotiations? Where does administration of justice fit in?	Provide information to clarify this relationship. A territorial justice conference should be convened.
	The village and First Nation must get together and agree to work together on restorative justice; hold a community awareness meeting.	Support networking with other communities on restorative justice initiatives
	Capacity.	Provide skills training for NNDFN to take on restorative justice initiatives and properly handle offenders.
	Jurisdiction--when an offence is committed on First Nation land who has jurisdiction?	Maintain good communications between the village, First Nation and regional government workers on restorative justice initiatives, e.g. joint responsibility, take an interagency approach.
Crime Prevention	Mayo needs parenting skills education to begin dealing with underage drinking, e.g. parent support group.	Use social development through preliminary programs such as parenting skills.
	Chief, Council & Elders want to take youth into the bush to teach them traditional skills and values.	Provide funding for a cultural healing house.
Policing	Liquor offences are on the rise.	RCMP should take more action against underage drinking and the drug problem in Mayo. RCMP should be involved in community justice as advisors, guides and evidence-providers.
Victim Services	No comments.	
Court Services	Cross-cultural courses should be taught by First Nation people.	Justice of the Peace needs hometown sensitivity. College needs more space to enlarge its capacity for cultural education courses.
	Youth issues.	Youth involved in diversion programs need continuity of support, even when they're in Whitehorse at school.
Correctional Reform		More regional programs for offenders to maintain contact with and support from family.
Probation – Youth	Erase the stigma often attached to young offenders.	Offenders need ongoing peer counseling and local support.

OLD CROW -VUNTUT GWITCHIN FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding--The cost savings from restorative justice should be redirected to community justice.	Provide honoraria for committee justice members. Clarify the various sources of funding and criteria, perhaps in a catalogue of available funds and offer training on proposal-writing.
	Is Restorative Justice consistent with Administration of Justice talks?	Clarify goals then, negotiate an interim arrangement that will eliminate program overlap and conflict between VGFN and YTG.
	Capacity.	Old Crow needs help assembling a justice committee and establishing its criteria (multi-level govt.?).
	Implementation.	Who decides whether an accused goes to court or Restorative Justice program?
	Circle sentencing.	Skepticism about this as it was tried before but community lost interest.
	Safety.	Provide protection for justice committee members (fear of persecution & criticism).
Crime Prevention	Better links between social services, justice, education and youth programs are needed.	Take a comprehensive approach to youth, especially those returning from school in Whitehorse.
		Restore the ½ time resident social worker position, perhaps with specialization in substance abuse treatment.
	Healthy communities need healthy families, addictions recovery, etc.	Offer healing camps for the whole family, not just the person with the problem. Provide funding for the camp on the hill.
		Support informal community efforts to ensure youth safety, e.g. safe homes. Old Crow needs to enforce prohibition internally, confront bootleggers and deal with such behaviour with "tough love."
Policing	Continue public relations with RCMP.	RCMP should establish a consistent response to illegal drinking (police discretion is seen to be unfair & inconsistent). Hire a Summer police student.
Victim Services	Services for victims should be improved.	Offer long term support, services and resources and training for workers dealing with family violence.
Court Services	Incarceration is a waste of time, alternatives may be answer. Court ordered treatment is not paid for by Medical Services Branch.	Provide funding for alternative sentences, e.g. gas & food for time on the land. Provide funding for court-ordered treatment (substance abuse & emotions management).
	Community not involved.	Offer training for its justice committee including the opportunity to sit in on circuit court.
Correctional Reform		Offenders in WCC need pre-release preparation, more activity and less medication.
Probation	Insufficient service, supervision and support to young offenders. Former Adult [contract] Probation Officer did not receive adequate government support.	Provide training and adequate supervision for resident Probation Officer. Correct misunderstanding.

PELLY CROSSING - SELKIRK FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	Create and establish a community justice committee.
		Fund a conference for all justice players.
Crime Prevention	People need to speak out about bootleggers and stop protecting them.	Deal with local alcohol and drug problems.
	Examine the root causes of crime.	Tatlmain Lake Treatment Centre could be utilized more.
Policing		Increased highway patrols might curtail bootlegging. Extend police patrols after dark.
Victim Services	No comment.	
Court Services		Have stiffer penalties for bootlegging, e.g. at least a minimum fine.
	Some accused individuals admit guilt, even when innocent.	Judges should encourage elder advocacy to support and/or to translate for offenders in court.
Correctional Reform		Offenders need pre-release preparation to help them reintegrate back home.
	Elders should be welcome to visit offenders at WCC; offenders should create links with elders.	Corrections needs ongoing First Nation programming, taught by experienced First Nation people.
Probation		Eliminate the gap in services to probationers; provide more support for the local Probation Officer.
Other		Schools need to better educate about substance abuse.

ROSS RIVER

Topic	Community Comments	Community Suggestions
Restorative Justice	Funding.	Provide adequate and committed financial support to sustain community justice committee. Provide assistance with technology, e.g. computer for justice coordinator.
	Capacity.	Have a full-time community justice coordinator. Provide training and support for restorative justice workers & "keepers" of the circle. Learn tactics to avoid burnout.
	Accountability.	Want improved communication between Chief & Council and community justice committee. A roundtable is needed to identify issues and problems.
	Confused about FN Self-Government talks and Restorative Justice.	Provide information on this topic.
	Public education on restorative justice.	Tell success stories, give recognition, honour each other's progress. Support networking with other community justice initiatives, e.g. web sites, newsletters, conferences.
	Avoid program overlap or duplication.	
Crime Prevention	Heal the effects of residential school syndrome.	Provide training on alcohol abuse issues and treatment. Assist in accessing the federal Healing Fund.
		Provide assistance to address FAS/FAE needs.
Policing	Police need cross-cultural training, awareness of Kaska culture and residential school syndrome. Police need improved relations with youth.	Want to participate in the Community Constable program.
Victim Services	Increase services to victims.	Have a designated YTG worker for Ross River.
Court Services		Courts need interpreters to overcome language barriers. Sentence reform is needed to deal with inadequate sentences.
Correctional Reform		Need a bush camp for troubled youth.
		Jail programs should continue post-release into the community for ongoing support.
Other	Elders want reassurance that their culture will thrive.	First Nation values & culture should be taught in schools by elders. Schools need to meet the needs of Ross River kids. Establish links with local resources, e.g. social services, health, education.
	Why separate meetings?	have joint meetings with the Minister instead of separate meetings

TESLIN - TESLIN TLINGIT COUNCIL

Topic	Community Comments	Community Suggestions
Restorative Justice	Community members must take more responsibility and more initiative towards wellness.	TTC would like to use the Nisutlin river camp as their own treatment centre.
	Local need exceeds local resources.	The Teslin Correctional Centre could be used more by locals, perhaps as a healing centre. Increase social development with and for youth, teaching skills and trades, e.g. Wolf Lake, and provide funding to support it. Provide adequate funding for restorative justice on a more permanent basis.
	Lines of communications must be established.	Networking with other community justice initiatives, e.g. web sites, newsletters, conferences, training Share good news, promote success stories.
	Peacemakers Court needs to clarify its guidelines.	
Crime Prevention		Prohibit or limit off-sales to reduce availability of liquor. Provide funding for drug testing to monitor substance abuse treatment.
	Creative recreation alternatives and funding for rec. coordinator position. Difficult to qualify for funding.	Re-examine funding criteria and guidelines. Ask youth what they want and enable them to get there. Provide local job creation for youth and adults.
	Justice and Health & Social Services need to work together.	
	The village and First Nation should work together without division, talking to each other and developing an action plan.	Resume Teslin's interagency meetings. Create an informal safety network for children, youth and adults, e.g. teen block parents.
Policing	Police need input and help from community.	A Community Mobilization Project might be of help.
Victim Services	Better care for victims, offenders and survivors alike is needed.	Increase services to victims; accessible and visible. Increase levels of counseling services.
Court Services	Inadequate sentences, slow process, often youth matters are delayed.	Sentence reform is needed. Justices of the Peace require more training.
Correctional Reform	The Probation Officer is not local and so all breaches must await her arrival--takes too much time.	Teslin community workers (Peacemakers' Court, social development staff, etc.) want the power to breach offenders.
	While in jail inmates receive education and skills training, but they are of little use because there are no jobs locally.	Business communities need to be educated that ex-offenders can be good employees and deserve equal access to jobs.
	We need to teach self-esteem, skills for coping with rejection, as well as life skills-in order to alter anti-societal and anti-authority attitudes.	Re-examine TCCC programming, operation and philosophy – include parenting skills and family reintegration techniques. Provide courses in self-esteem, coping with rejection, job and life skills.
	More offenders are using drugs such as heroin and cocaine.	Offer training to upgrade Justice workers' counseling. Skills to deal with harder drug addictions are needed.

WATSON LAKE - LIARD FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice		Family Group conferencing is feasible program provided money is supplied for a paid coordinator at approx. 20hrs/wk.
	Dena Keh program seen as a success, user friendly, fast.	Provide better follow-up procedures to ensure adherence to orders.
	Under a community justice program who ensures compliance by men ordered to attend treatment programs?	
	How would Restorative Justice programs deal with individuals unable to understand right from wrong (ie FAE/FAS)?	
	The various alternatives for property crimes are outlined, but little else.	Provide suggestions/advice for alternatives for those convicted of crimes against the person.
Crime Prevention	Use of drugs and alcohol and of crimes while intoxicated are the main concerns.	Address drug/alcohol abuse problem.
	SADD program was very successful this year, but there is no long-term money available.	Provide adequate and consistent funding for this program.
Policing	How are auxiliary RCMP members chosen?	Provide this information.
Victim Services		A group/safe home is needed.
Court Services	Judges/JP's come to town and 'order' offenders to attend treatment program, but no treatment program is available locally.	
	Court-ordered treatment is not covered by Medical Services Branch.	Judges should be notified of an offender's past attendance at residential treatment because NAADAP regulations stipulate payment for treatment is a 'once in a life time event.'
	Treatment programs are often too short, clients return home only partially healed and are vulnerable. All too often these partially healed individuals fall-back into their old ways.	
	Many offenders are being ordered to attend inappropriate treatment programs ie drug users sent to alcohol treatment and vice versa.	
Probation - Youth		The general consensus is that H&SS is under staffed, have little time to do case work.
		There is little, or no, follow-up of community service hours, nor is there much parental involvement at school.

WHITEHORSE - KWANLIN DUN FIRST NATION

Topic	Community Comments	Community Suggestions
Restorative Justice	Restorative Justice seems to focus on street crimes.	Include corporate and environmental crimes.
	RCMP have great influence, will they be forcing communities to participate in Restorative Justice programs?	
	How long will it be before Restorative Justice begins to adopt more 'legal' trappings?	
	There will always be some criminals that will not respond. What will Restorative Justice or mainstream justice do in these instances?	Justice system needs to research rates and reasons for recidivism, under both mainstream and Restorative Justice models.
	Draft Restorative Justice discussion paper notes that violent crimes and crimes against property are rising, yet statistics show the opposite.	
	Net widening [net widening means expanding the definition of crime to include those that would not ordinarily be of concern].	Criminality is a label, government must guard against 'net-widening.'
	How is Restorative Justice going to deal with FAE/FAS, mentally ill, women, and handicapped clients?	
	How will power imbalance between man and woman in a spousal assault case be addressed?	Ensure that victims receive as much support in a pre-charge diversion as they do now.
	What will happen in cases where offenders and community justice committees are related or are close friends, especially in small towns?	
	Concern regarding possibility of volunteer burn-out.	Research [human and dollar] costs associated with Restorative Justice.
	Restorative Justice does not stress the need for social development.	Social development should be the number 1 item, not #5 as in Draft paper.
Crime Prevention	Will YTG be reimbursing public for expenses incurred in 'crime-proofing' their homes and businesses?	
Policing	Handicapped people are reluctant to call RCMP because it is too hard to commute to and from detachment, cars are not equipped with ramps, etc.	

WHITEHORSE - KWANLIN DUN FIRST NATION CONTINUED

Topic	General Comments	Specific Suggestions
	Fines seem to work, especially for speeding.	
Victim Services	No comments.	
Court Services	The mainstream courts are cold and imposing and difficult to understand.	Support systems that keep youth out of the criminal justice system.
Correctional Reform	Costs.	A cost breakdown for WCC, TCCC and the YOF were requested
	Restitution.	A minimum wage should be paid to inmates while incarcerated, that way they could pay restitution to their victim(s).
	There is a general lack of understanding between inmates and the public.	Inmates must learn to respect and the public must learn to be more tolerant.
Probation	Only 20% of inmates are a danger to the public.	Sentences should be reduced for most crimes so more attention, treatment, training programs etc., would be available to the inmates that need it most
Other	The media focus on new things and the public reacts to negative coverage, e.g. the Jason Paquette case. It was interesting to note that the mainstream system has many failures, but neither the media nor the public pay any attention.	
	Why hasn't information on Restorative Justice been simplified so that handicapped people could participate?	What about larger print so visually impaired could read information pamphlets?

Restorative Justice in Yukon

Bringing justice closer to home...a healing process for victims, offenders and communities
An opportunity for change

Community Consultations

You are invited to meet with Minister of Justice Lois Moorcroft and Commanding Officer of the RCMP John Spice to share your views on better ways to deliver justice services. Suggested topics for discussion:

- What challenges face Justice today?
- Are new approaches required?
- What is Restorative Justice?
- How could Restorative Justice affect you?

May 4	Marsh Lake	Inn on the Lake	7 pm to 9 pm
May 5	Dawson City	Tr'ondek Heritage Hall	6 pm to 8 pm
May 6	Whitehorse	Hellaby Hall	7 pm to 9 pm
May 10	Beaver Creek	Community Hall	11 am to 1 pm
May 10	Burwash Landing & Destruction Bay	Burwash Community Hall	6 pm to 8 pm
May 11	Haines Junction	Village Council Chambers	6 pm to 8 pm
May 12	Teslin	Community Hall	4 pm to 6 pm
May 13	Carcross	Community Hall	12 pm to 2 pm
May 17	Watson Lake	Belvedere Motel	6 pm to 8 pm
May 19	Faro	Recreation Centre	1 pm to 3 pm
May 25	Mayo	Yukon Government Bldg.	6 pm to 8 pm
May 27	Old Crow	First Nation Hall	12 pm to 2 pm
June 16	Pelly Crossing	Community Hall	1 pm to 3 pm
June 16	Carmacks	Community Hall	6 pm to 8 pm
June 17	Ross River	Curling Rink	6 pm to 8 pm

Key Issues:

- Correctional Reform
- Crime Prevention
- Policing Policy
- Victim Services
- Community and Aboriginal Justice
- Youth Justice

Restorative Justice Principles:

- Public Safety
- Accountability
- Partnerships
- Community Involvement
- Alternatives to Incarceration
- Prevention of Crime
- Healing
- Accessibility
- Personal and Community Responsibility

For more information contact:

Yukon Justice, J-1
Box 2703, Whitehorse, Yukon Y1A 2C6
Phone: 867-667-3033 or
1-800-661-0408 extension 3033
Fax: 867-393-6272
Email: restorative.justice@gov.yk.ca
www.gov.yk.ca/depts/justice/restorative

Yukon
Justice

Restorative Justice in Yukon

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Consultation Team

Yukon Government

Honourable Lois Moorcroft, Minister of Justice

Kathy Hanifan, Executive Assistant to the Minister

Brenda Barnes, Special Assistant to the Minister

Stuart J. Whitley, Q.C., Deputy Minister, Justice

Mike Winstanley, Policy Analyst – Restorative Justice, Justice

Kelly-Anne Malcomson, Administrative Assistant, Justice

Anne Sheffield, Director, Children & Family Services, Health & Social Services

Tim Brady, Manager, Youth Services Unit, Health & Social Services

Carol Cunningham, A/Team Leader, Youth Probation Services, Health & Social Services

RCMP

Commanding Officer and Chief Superintendent John Spice, RCMP

Insp. Vern White, RCMP

S/Sgt. Dana Gibbons, RCMP

Cst. Brenda Butterworth-Carr, RCMP

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Background Materials

Issue Paper 1	Overview	April 1999
Issue Paper 2	Correctional Reform	April 1999
Issue Paper 3	Crime Prevention	April 1999
Issue Paper 4	Policing Policy	April 1999
Issue Paper 5	Victim Services	June 1999
Issue Paper 6	Community and Aboriginal Justice Projects	June 1999

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